

ATTACHMENT 6

PETITION UNDER POST CONVICTION HEARING ACT

COMMONWEALTH OF PENNSYLVANIA VS Bruce Murray (Name of Petitioner)	COURT AND DOCKET NUMBERS <i>12900</i> <i>PPX 53983</i>
To be filled in by Clerk of Court	

NOTE: List below those informations or indictments & offenses for which you have not completed your sentence.

INFORMATION OR INDICTMENT NUMBERS:

C.P.# November Term, 1982, No.(s) 1109-1114

CP# 8211-1109 11

I WAS CHARGED WITH THE FOLLOWING CRIMES:

Murder, Robbery, Criminal Conspiracy & P.I.C.

RECEIVED

DEC 30 1986

P.C.H.A. - UNIT

D-18 A

1. MY NAME IS:

Bruce Murray

2. I AM NOW

(A) On Parole (B) On Probation (C) Confined in S.C.I. Camp Hill

3.

I WAS SENTENCED ON April 23, 1984 TO A TOTAL TERM OF Life & 1 to 2 yr, COMMENCING ON September 11, 19 82, FOLLOWING A

- Trial by jury
- Trial by a judge without a jury
- Plea of guilty
- Plea of nolo contendere

4. I AM ELIGIBLE FOR RELIEF BECAUSE OF:

<input type="checkbox"/> The introduction of evidence obtained pursuant to an unlawful arrest	<input type="checkbox"/> The unconstitutional suppression of evidence by the state
<input type="checkbox"/> The introduction of evidence obtained by an unconstitutional search and seizure	<input type="checkbox"/> The unconstitutional use by the state of perjured testimony
<input type="checkbox"/> The introduction of a coerced confession into evidence	<input type="checkbox"/> The obstruction by state officials of petitioner's right of appeal
<input type="checkbox"/> The introduction into evidence of a statement obtained in the absence of a lawyer at a time when representation is constitutionally required	<input type="checkbox"/> Being twice placed in jeopardy
<input type="checkbox"/> The infringement of my privilege against self-incrimination under either federal or state law	<input type="checkbox"/> The abridgement of a right guaranteed by the constitution or laws of this state or the constitution or laws of the United States, including a right that was not recognized as existing at the time of trial if the constitution requires retrospective application of that right
<input checked="" type="checkbox"/> The denial of my constitutional right to representation by a competent lawyer	<input checked="" type="checkbox"/> The unavailability at the time of trial of exculpatory evidence that has subsequently become available and that would have affected the outcome of the trial if it had been introduced
<input type="checkbox"/> A plea of guilty unlawfully induced	<input type="checkbox"/> The denial of my right to appeal through failure to inform me of this right

5. THE FACTS IN SUPPORT OF THE ALLEGED ERROR(S) UPON WHICH THIS PETITION IS BASED ARE AS FOLLOWS: (State facts clearly and fully; argument, citations, or discussions of authorities shall not be included.)

(A) I know the following facts to be true of my own personal knowledge:

That appellant Counsel filed my "petition for Allowance of Appeal" (3) to (4) days later than acceptable for her to file. Thereby, causing the Supreme Court to dismiss my Allocatur petition as being untimely; Furthermore, appellant Counsel failed to raised the issue of recantation with respect to one of the Commonwealth's witness who allegedly participated in the crime. That because of Counsel's ineffectiveness, your petitioner is being denied appellate review.

SEE: Attach documents confirming Appellant Counsel's late filing in violation of the PA. Rules of Appellate Procedure.

(B) The following facts were made known to me by means other than my own personal knowledge (Explain how and by whom you are informed):

By a friend who is a trained paralegal assistant and, by members of the prison's Legal Aid Program from the Dickinson School of Law.

(C) In the event my appeal is allowed as requested under #4, the following are the matters which I intend to assert on that appeal (Specify the matters to be asserted if appeal is allowed)

Ineffective assistance of counsel at trial and on appeal to the Supreme Court; prosecutor misconduct in allowing his witness to knowingly commit perjury, plus all other issues raised in the Superior Court which have not been finally litigated by the Supreme Court of Penna.

6. SUPPORTING EXHIBITS

(A) In support of this petition I have attached as exhibits:

Affidavits

[Exhibit(s) No. _____]

Records

[Exhibit(s) No. _____]

Other Supporting Evidence

[Exhibit(s) No. (1) - (4)]

(B) I have not attached any affidavits, records or other supporting evidence because

7. I HAVE TAKEN THE FOLLOWING ACTION(S) TO SECURE RELIEF FROM MY CONVICTION(S) OR SENTENCE(S):

(A) Direct Appeal (If "YES," name the court(s) to which appeal(s) was/were taken, date, term and number, and result.)

YES NO

Superior Court of Pennsylvania, May 23, 1984, No. # 01505 Phl 1984,

Judgment of Sentence Affirmed, November 1, 1985.

(B) Previous proceedings in the courts of the Commonwealth of Pennsylvania

YES NO (If "YES," name the type of proceedings (such as habeas corpus, etc.)—including former proceedings under the Post Conviction Hearing Act the Court(s) in which petition(s) was/were filed, date, term and number, and result, including all appeals.)

(C) Habeas Corpus or other petitions in Federal Courts

YES NO (If "YES," name the district in which petition(s) was/were filed, date(s), Court Number—civil action or miscellaneous, and result, including all appeals.)

(D) Other legal proceedings

YES NO (If "YES," give complete details—type of action, court in which filed, date, term and number, and result, including all appeals.)

Petition For Allowance of Appeal filed in the Supreme Court of Pa.,

December 5, 1985, No. 1372 E.D. Allocatur Dkt, 1985. Denied on

December 9, 1986.

8. FOLLOWING MY ARREST, I WAS REPRESENTED BY THE FOLLOWING LAWYER(S): (Give the lawyer's name and the proceeding at which he represented you.)

Pamela Pryor Cohen, Esquire, at the Preliminary Hearing, Trial, on Appeal to both the Superior & Supreme Court of Pa.

9. THE ISSUES WHICH I HAVE RAISED IN THIS PETITION HAVE NOT BEEN FINALLY LITIGATED OR WAIVED BECAUSE: (State facts.)

Because, this is the very first opportunity I have had to raise prior Counsel's assistance. Under the rubric of ineffectiveness this issue is deemed not waived where extraordinary circumstances exist. Furthermore, the Supreme Court of Pa. has dismissed petitioner's motion for allowance of appeal/Allocatur without prejudice to petitioner's right to seek P.C.H.A. relief.

SEE: ORDER OF THE SUPREME COURT dated November 26th, 1986, henceforth referred to as exhibit (1).

10. BECAUSE OF THE FOREGOING REASONS, THE RELIEF WHICH I DESIRE IS:

(A) Release from custody and discharge

(B) A new trial

(C) Correction of sentence

(D) Other relief (specify): Right to re-file petition for Allowance of Appeal/Allocatur, NUNC PRO TUNC, in accordance with the court opinion

11. (A) I am ABLE NOT ABLE to pay the costs of this proceeding.

I have \$ 00.00 in my prison account.

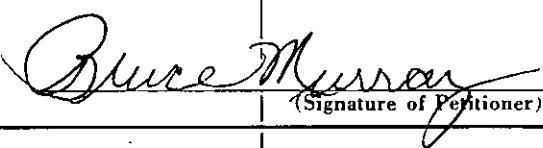
(B) My other financial resources are: Wages at/from prison job

12. (A) I do not have a lawyer and I am without financial resources or otherwise unable to obtain a lawyer.

(1) I request the court to appoint a lawyer to represent me.

(2) I do not want a lawyer to represent me.

(B) I am represented by a lawyer. (Give name and address of your lawyer.)


(Signature of Petitioner)

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF Cumberland

Personally appeared before me a notary public in and for said County and Commonwealth

BRUCE MURRAY

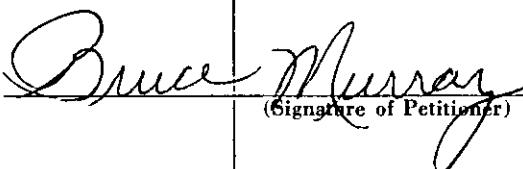
(Name of Petitioner)

who, being duly sworn [or affirmed] according to law, deposes and says:

That he is the petitioner herein and the facts as set forth in

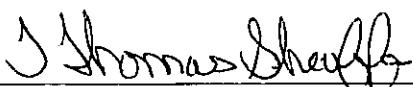
this petition are true and correct to the best of his know-

ledge, information and belief.


(Signature of Petitioner)

Sworn to and subscribed before me this

18th day of December, 1986



T. THOMAS SHEAFFER, NOTARY PUBLIC
LOWER ALLEN TWP., CUMBERLAND COUNTY
MY COMMISSION EXPIRES JAN. 27, 1990
Member, Pennsylvania Association of Notaries